

106TH CONGRESS  
2D SESSION

# S. 3166

To amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 22), 2000

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Information Tech-  
5       nology Share-in-Savings Program Improvement Act of  
6       2000”.

1 **SEC. 2. PURPOSES.**

2       The purposes of this Act are to provide individual  
3 federal agencies and the executive branch as a whole with  
4 increased incentives to use the share-in-savings program  
5 under the Clinger-Cohen Act of 1996 and to ease the use  
6 of such program.

7 **SEC. 3. EXPANSION OF AUTHORITY.**

8       Section 5311 of the Clinger-Cohen Act of 1996 (divi-  
9 sions D and E of Public Law 104–106; 110 Stat. 692;  
10 40 U.S.C. 1491) is amended—

11               (1) in subsection (a)—

12                       (A) by striking “the heads of two executive  
13 agencies to carry out” and inserting “heads of  
14 executive agencies to carry out a total of five  
15 projects under”;

16                       (B) by striking “and” at the end of para-  
17 graph (1);

18                       (C) by striking the period at the end of  
19 paragraph (2) and inserting “; and”; and

20                       (D) by adding at the end the following:

21                       “(3) encouraging the use of the contracting and  
22 sharing approach described in paragraphs (1) and  
23 (2) by allowing the head of the executive agency con-  
24 ducting a project under the pilot program—

25                               “(A) to retain, out of the appropriation ac-  
26 counts of the executive agency in which savings

1           computed under paragraph (2) are realized as  
 2           a result of the project, up to the amount equal  
 3           to half of the excess of—

4                       “(i) the total amount of the savings,  
 5                       over

6                       “(ii) the total amount of the portion  
 7                       of the savings paid to the private sector  
 8                       source for such project under paragraph  
 9                       (2); and

10                      “(B) to use the retained amount to acquire  
 11                      additional information technology.”;  
 12                      (2) in subsection (b)—

13                      (A) by inserting “a project under” after  
 14                      “authorized to carry out”; and

15                      (B) by striking “carry out one project  
 16                      and”; and

17                      (3) by striking subsection (c) and inserting the  
 18                      following:

19                      “(c) EVOLUTION BEYOND PILOT PROGRAM.—(1)  
 20                      The Administrator may provide general authority to the  
 21                      heads of executive agencies to use a share-in-savings con-  
 22                      tracting approach to the acquisition of information tech-  
 23                      nology solutions for improving mission-related or adminis-  
 24                      trative processes of the Federal Government if—

1           “(A) after reviewing the experience under the  
2           five projects carried out under the pilot program  
3           under subsection (a), the Administrator finds that  
4           the approach offers the Federal Government an op-  
5           portunity to improve its use of information tech-  
6           nology and to reduce costs; and

7           “(B) issues guidance for the exercise of that  
8           authority.

9           “(2) For the purposes of paragraph (1), a share-in-  
10          savings contracting approach provides for contracting as  
11          described in paragraph (1) of subsection (a) together with  
12          the sharing and retention of amounts saved as described  
13          in paragraphs (2) and (3) of that subsection.

14          “(3) In exercising the authority provided to the Ad-  
15          ministrator in paragraph (1), the Administrator shall con-  
16          sult with the Administrator for the Office of Information  
17          and Regulatory Affairs.

18          “(d) AVAILABILITY OF RETAINED SAVINGS.—  
19          Amounts retained by the head of an executive agency  
20          under subsection (a)(3) or subsection (c) shall, without  
21          further appropriation, be available for the executive agen-  
22          cy for the acquisition of information technology and shall  
23          remain available until expended. Amounts so retained  
24          from any appropriation of the executive agency not other-  
25          wise available for the acquisition of information technology

- 1 shall be transferred to any appropriation of the executive
- 2 agency that is available for such purpose.”.

